

# JESUIT CONFERENCE

the Society of Jesus in the United States

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## LAWYER'S REPORT ON INTERVIEWS OF KEY WITNESS IN SALVADORIAN MURDERS INVESTIGATION

The attached pages report the results of several lengthy interviews with Lucia B. Barrera de Cerna and her husband Jorge Cerna.

The interviews were conducted on December 3, 1989, and December 9-10, 1989, by Attorney Scott Greathead, First Assistant Attorney General of the State of New York and Member of the Board of the Lawyers Committee for Human Rights and Ms. Martha Doggett of the same group.

The interviews were conducted on behalf of the Jesuits of the United States, represented by Rev. Patrick J. Burns, S.J., President of the United States Jesuit Conference, and on behalf of the educational institutions sponsored by the Jesuits in the United States, represented by Rev. Paul S. Tipton, S.J., President of the Association of Jesuit Colleges and Universities, and Rev. Charles P. Costello, S.J., President of the Jesuit Secondary Education Association.

In Attorney Greathead's judgment, the interviews reveal that Lucia Barrera de Cerna is an important and reliable witness to the presence of armed men in military garb in the courtyard of the Jesuit residence in San Salvador shortly before six Jesuit priests associated with the University of Central America, together with their cook and her teen-aged daughter, were brutally murdered in the early hours of November 16, 1989.

In addition, Attorney Greathead's report describes in some detail the type of questioning and pressures Lucia and her husband were subjected to while they were in State Department custody in Miami and before they were released into the care of the Jesuits. The questioning was carried on by agents of the F.B.I. and the Salvadorian government.

On behalf of the Jesuits of the United States we are making this report available to officials of the U.S. Government, members of Congress, and others to attest to the reliability of the testimony of Lucia Barrera to the investigating judge in the Court of El Salvador. We earnestly desire a fair and timely investigation and prosecution of those responsible for the assassination of our Brother Jesuits in the hope it can be a part of bringing peace to El Salvador.

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## THE JESUIT MURDERS: A REPORT ON THE TESTIMONY OF A WITNESS

A report by the Lawyers Committee for Human Rights  
to  
The Jesuit Conference  
The Association of Jesuit Colleges and Universities  
and  
The Jesuit Secondary Education Association

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THE JESUIT MURDERS:  
A REPORT ON THE TESTIMONY  
OF A WITNESS

INTRODUCTION

In the early morning hours of November 16, 1989, six Jesuit priests, their cook and her fifteen-year-old daughter were brutally murdered in the Oscar Romero Pastoral Center of the University of Central America Jose San Simeon Canas in San Salvador. To date, only one person has stepped forward to provide eye witness testimony relating to the crime. That witness, Lucia Barrera de Cerna, gave a declaration to the investigating judge in San Salvador on November 22, and was immediately flown to Miami, Florida for her personal security.

After the witness' arrival in Miami, the Society of Jesus in the United States assumed responsibility for her safety and well-being. U.S. Jesuit officials also took steps to assist their brothers in El Salvador in obtaining a vigorous and effective investigation of the murders by Salvadoran authorities. To that end, the Jesuit Conference, the Association of Jesuit Colleges and Universities, and the Jesuit Secondary Education Association asked the Lawyers Committee for Human Rights to interview the witness and provide them with a report evaluating her testimony and its utility in the Salvadoran criminal proceedings.

This mission was undertaken by R. Scott Greathead, a member of the Lawyers Committee Board of Directors and First Assistant Attorney General of the State of New York, and Martha Doggett, the coordinator of the Lawyers Committee's Program on Latin America. Mr. Greathead has visited El Salvador twelve times on behalf of the Lawyers Committee since 1982, and assisted in the representation of the families of the four U.S. churchwomen who were murdered in El Salvador in December, 1980. Ms. Doggett has been a frequent visitor to El Salvador on behalf of the Lawyers Committee and other organizations. She is the author of the Lawyers Committee's most recent report on human rights and the administration of justice in El Salvador, Underwriting Injustice: AID and El Salvador's Judicial Reform Program (April, 1989).

Mr. Greathead and Ms. Doggett interviewed the witness on December 3, in Miami, Florida, and on December 9 and 10 in another location where she is living under the care and protection of the Jesuits. They were accompanied on both occasions by Paul S. Tipton, S.J., the President of the Association of Jesuit Colleges and Universities.

THE LAWYERS COMMITTEE FOR HUMAN RIGHTS

December 15, 1989

I. The Murders On November 16.

The campus of the Central American University Jose Simion Canas (UCA) is built into a hill which backs onto a comfortable middle class residential neighborhood known as Jardines de Guadalupe. The main entrance to the campus is along the highway leading south out of the city called Autopista Sur. Across the highway is the Colonia Militar Manuel Jose Arce, a neighborhood inhabited by military officers and their families. Within one mile is the headquarters of the High Command of the Armed Forces, the Estado Mayor. One block from the location where the priests were killed is Torre Democracia, a high-rise glass office tower situated on a corner at one edge of the campus. The tower has been attacked by the FMLN in the past and is often guarded by soldiers. There are two additional gates to the university. One block up the hill a small gate leads directly into the grassy area where the Jesuits were killed. A second entrance is off Calle Cantabrico, and is generally where students enter on foot.

On Saturday, November 11, the evening the FMLN offensive began, one of the first places fighting broke out was at the Torre Democracia. A chronology of events surrounding the killings prepared by the Jesuit Province of Central America\*,

\* Cronologia de Acontecimientos Relacionados con el Asesinato de los Seis Jesuitas de El Salvador, Provincia Centoramericana de la Compania De Jesus, November 1989.

indicates that guerrillas fled through the campus near the priests' residence after exploding a small bomb in order to open the gate. According to the chronology, members of the Salvadoran Armed Forces were on the scene within ten minutes and "controlled the situation."

From Saturday evening soldiers were posted at the Torre Democracia and at the main gate to the UCA. From 8:00 p.m. Sunday, November 12, San Salvador was placed under curfew. That curfew was extended from 6:00 p.m. to 6:00 a.m. on Monday, November 13. Areas of the city where the heaviest combat was occurring were under a 24-hour curfew.

On Saturday evening, November 11, at 11:00 p.m. most Salvadoran radio stations were forced onto a nationwide hook-up, which later was revealed to be Radio Cuscatlan, the radio station of the Armed Forces of El Salvador. News of the fighting ceased and in its place were propaganda spots from the government and military. People called in seeking relatives, while others delivered impassioned tirades against the FMLN. Some callers made threats against the lives of Archbishop Arturo Rivera y Damas and Auxiliary Bishop Gregorio Rosa Chavez, against the Jesuits in general, and against Father Ignacio Ellacuria in particular.

On Monday, November 13, Father Ellacuria, the UCA Rector, returned from Spain where he had been given a human rights award. He entered the campus by the main gate and, before preceeding up the hill, was questioned by soldiers.

At approximately 7:00 p.m. that evening, uniformed members of the Salvadoran Armed Forces arrived at the Oscar Romero Pastoral Center, where the priests had been living the last few months, and conducted a thorough search of the premises. Unlike earlier raids of the university, the soldiers took no interest in books, files, or other written materials, instead focusing exclusively "on the place and the people," according to a source familiar with the raid who was interviewed by the Lawyers Committee. The source added that the soldiers took notes. Though Father Ellacuria invited the soldiers to return to the campus during daylight hours to search the rest of the instituiton, the men seemed only interested in the Pastoral Center and did not return to the UCA the following day.

On Wednesday, November 15, the military continued to patrol the area surrounding the UCA. That morning an officer told one of the Jesuits that in the afternoon or evening there would be "a lot of movement."

Members of the U.S. - trained Atlacatl Batallion were patrolling part of the area surrounding the UCA on the evening of November 15.

At about 1:00 a.m. on November 16, area residents say uniformed men entered the UCA campus by all three entrances. Residents of Jardines de Guadalupe heard loud shooting between 2:30 a.m. and 3:00 a.m., and later heard two explosions.

The six Jesuits were killed outside the Pastoral Center on the lawn at the eastern end of the building. The first killed was Father Joaquin Lopez y Lopez, a 71-year old Salvadoran, who was the only victim not shot through the head. Father Juan Ramon Moreno, 56, received a bullet through the right eye and other wounds in the lower body. These two men were dragged back into the residence where their bodies were found in rooms where they were not known to have been sleeping. The other four victims were Father Ellacuria, Father Amando Lopez, Father Ignacio Martin-Baro and Father Segundo Montes. These four were apparently ordered to lie face down and shot one by one in the back of the head. The killers next went below and executed Julia Elba Ramos, a cook for the Jesuits, and her daughter, Celina Marisette Ramos, age 15. The women's bodies were found on the floor near the sofa where they were sleeping.

While the exact sequence of events is not known, the attackers also ransacked and burned several offices on the opposite side of the Pastoral Center. The facade of the building was sprayed with machine gun fire and cars parked in the area were also hit with bullets.



Residents say that the uniformed men withdrew from Calle Catabrico at 4:45 a.m. The last of the uniformed men on the UCA campus left at 5:45 a.m., that is, fifteen minutes before the end of curfew at 6:00 a.m.

## II. What The Witness Saw and Heard On November 16.

Lucia Barrera de Cerna and her husband, Jorge Alberto Cerna Ramirez, live with their four-year-old daughter, Geraldina, in Soyapango, a working class suburb of San Salvador. Jorge is a baker, and Lucia has worked since 1981 as a house keeper for the Jesuits attached to the University of Central America.

Soyapango was the scene of heavy conflict during the recent guerrilla offensive in San Salvador. On Wednesday, November 15, Lucia, Jorge and their daughter fled their home under a white flag. Upon reaching a safer location in the city, they telephoned Father Ignacio Martin-Baro, whom Lucia refers to as Padre Nacho, to ask for assistance. Padre Nacho offered them a place to stay in a former Jesuit residence at the UCA, known as Casas 15 and 16, on the Calle Cantabrico. The houses are adjacent to the Oscar Romero Pastoral Center. On their arrival at the UCA, Padre Nacho set them up for the night in Casa 16, where they could spend the night on the floor of a small room. There was no electricity, but Padre Nacho brought them blankets to make them comfortable for the night.

Sometime during the night - they believe it was about 1 a.m. - Lucia and Jorge were awakened by the sound of gunfire. Lucia believed it was coming from a wooded area called "el bosque," located to the west of Casa 16. They also heard shouting and loud voices from the Pastoral Center. Lucia crept to the window in an adjacent room which had a view of a portion of the residence. Jorge stayed with Geraldina, who was sleeping between them on the floor; he was afraid that she would awake and call attention to them by crying out. Peeking through the curtains on the windows, Lucia observed five men standing by a gate that leads to the Pastoral Center. Three of the men were in shadows, but two were standing in the moonlight and she could see that they were wearing camouflage uniforms. They were carrying rifles, and wore caps with visors. At about this time she heard Father Nacho saying in a very loud voice:

"This is an injustice! This is an abomination!"

("Esto es una injusticia! Son una carroña!")

She then saw the men running, and heard shots, the noise of doors slamming and what sounded like glass being broken. She returned to the bedroom trembling and very afraid. Jorge estimates that she was not out of bed longer than twelve minutes.

When she returned to the bedroom, Jorge was peeking out of the window in that room. He reports that he observed seven or eight men walking swiftly (with long strides, but not running) from the direction of the Pastoral Center around the

west end of the chapel and toward a road that leads to a back entrance to the UCA. He could not see them well, but believes they were wearing dark clothes and caps with visors.\*

Jorge and Lucia resumed their positions on the floor on either side of their daughter, and tried to sleep. They awoke at first light, around 5:30 a.m. Looking out the window in the adjoining room, Lucia noticed that an iron gate on a passageway leading from the chapel to the Pastoral Center, which was normally locked, was open.

A short time later, while Lucia was in the bathroom, Jorge heard a tapping at the window and someone calling, "Padre, Padre." Responding to the tapping, Jorge encountered four night watchmen (vigilantes) from the UCA, who assumed there was a priest staying in the house. The watchmen told Jorge that there had been "a lot of shooting" (una gran balacera), that it had come very close to them, and that they were all lucky to be alive. They reported seeing what looked like bundles in the area of the Pastoral Center. Jorge accompanied one of the watchmen to inspect the area. Lucia and their daughter followed. Upon approaching the Pastoral Center, Jorge saw the bodies of the cook and her 15-year-old daughter, and then glimpsed the head of one of the murdered fathers. Lucia, having seen the priest's head, did not want to see more, and returned to Casa 16 with their daughter. Jorge and the watchman went to

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\* Jorge decided not to relate what he saw to investigators. See, infra, pp.19-20.

the lawn outside the Pastoral Center, where they saw the bodies of four of the murdered priests.

Jorge returned to where Lucia and Geraldina were waiting. Leaving Jorge with their daughter, Lucia hurried west on Calle Cantabrico to another Jesuit residence at Calle Mediterraneo 50. Father Pedroza met her at the door, and she told him to prepare himself for terrible news. Inside the house she saw Father Estrada and Father Ibisate. The husband of the slain cook was already there, apparently relating what had happened. This man had been sleeping nearby but had escaped detection by the murderers.

Several of the priests quickly left Mediterraneo 50 and ran to the Pastoral Center to see what had happened. Father Estrada told Lucia that the Jesuits could no longer protect her or her family, and advised her to seek safety elsewhere. Lucia related to some of the priests what she had seen and heard the preceding night. She recalls being extremely upset and crying, and that the priests tried to calm her down.

Lucia returned to Casa 16, where she and Jorge packed their belongings. They departed with Geraldina on foot to the home of Lucia's mother in nearby Antiguo Cuscatlan. They did not tell any of the Jesuit fathers where they were going, but on the way they encountered Lucia's aunt, who also works for the Jesuits, and informed her.

Lucia, Jorge and their daughter remained at her mother's house from Thursday, November 23, through Sunday, November 27. On Monday, fighting in the city appeared to have subsided, and Lucia decided to return to work at the UCA. She left her mother's home about 8:00 a.m., and walked to the Curia, the Provincial's headquarters, which is down the street from Mediterraneo 50.

When she arrived, she saw Brother Francisco, who was talking on the telephone. Lucia began cleaning up, emptying the wastebaskets, etc. Brother Francisco was talking to Lucia when Father Tojeira, the Jesuit Provincial, opened the door to his office and invited her in. Father Tojeira was with a woman that Lucia had never met, but recognized from seeing on television. Father Tojeira introduced Lucia to the woman, who was Maria Julia Hernandez, the director of Tutela Legal, the human rights office of the Archdiocese. He told Lucia that she could speak with confidence to Hernandez about what she might have heard or seen on the night of the murders.

Lucia told Hernandez what she had heard and what she had seen. Hernandez then suggested that they visit Casa 16. They went there, accompanied by Brother Francisco.

While they were at Casa 16, some men arrived who Hernandez appeared to know who were also investigating the case. Hernandez told Lucia that because of what she saw, she

needed protection and asked her to go to the Spanish Embassy. She told Lucia an Embassy car was there to transport her. Lucia told us that this was the first time she realized the gravity of her speaking about what she had witnessed.

Accompanied by Father Rogelio Pedraz, Lucia was taken to the Spanish Embassy in the car. Hernandez remained behind in Casa 16 with Brother Francisco.

Lucia arrived at the Embassy about lunchtime, and was taken to a bedroom on the second floor. Father Pedraz was still with her. Later, others arrived, including Father Tojeira and the Spanish Ambassador. The others were talking and she overheard Father Tojeira say that before she leaves she had to talk to the judge.

Lucia gave a priest who was present a note to Jorge telling him she was waiting for him. The note did not indicate where she was. Lucia's aunt delivered the note to Jorge. A short time later, Father Fermin Saenz arrived in a car at Lucia's mother's house. He told Jorge to pack their clothes and that he was going to take him and Geraldina to Lucia. The car proceeded to Mediterraneo 50, where they met Father Pedraz, changed to a Spanish Embassy car, and proceeded to the Embassy.

On arriving at the Embassy, Jorge and Geraldina were taken to the second floor, where Jorge was introduced to the

Spanish Ambassador. The Ambassador told Jorge that it was necessary to give his family security and protection until they could be transported to Spain or the United States, whichever country they preferred.

At about 5:00 p.m., the French Ambassador arrived and was introduced to Jorge. The French Ambassador told Jorge not to worry, and that he and his family had three options: they could go to Spain, France or the United States.

During this time, Lucia was in the kitchen of the Embassy warming a bottle for Geraldina. She was presented to the Embassy employees as the maid of a Spanish couple.

Lucia, Jorge and their daughter remained in the Spanish Embassy Monday night, and all day Tuesday, during which there was heavy fighting in San Salvador. On Wednesday, Hernandez arrived with a photographer to take their pictures. She explained that the photos were necessary for their passports.

Prior to this, Jorge and Lucia had discussed their options and decided to go to Miami, rather than France or Spain. Neither of them had ever been outside of El Salvador, and they were very unhappy to have to leave. They decided to go to Miami because it was closer to home.

On Wednesday afternoon, Lucia was taken to a room in the Embassy to make a declaration to the investigating judge.

Others were present in the room, including Hernandez, the Fiscal General, Dr. Mauricio Colorado\*, whom Lucia recognized from television, and a member of the Fiscal General's staff. The following is a translation of the pertinent portions of Lucia's declaration\*\* :

"The declarant committed herself to doing her chores, lying down at approximately 7:00 p.m. Since there was no electricity she heated up the water for a baby bottle with old newspapers that had been in the house. Then she fell asleep almost immediately because of the fatigue that she felt, waking up later at about one in the morning on Thursday the 16th, because of the shooting that could be heard inside the UCA. She said that firing was by the grove of trees [bosque] inside the UCA. Seconds later she heard the sounds of the doors of the Fathers' residence as if they were being opened and closed forcefully. Because of the intense shooting the declarant got up and without shoes on, she slowly went to the bedroom, locating herself in the window looking toward the interior of the Fathers' residence from where one could observe part of the corridor of said residence. She heard voices, without being able to distinguish what the voices were saying, only the voice of Father "Nachito" saying that it was an injustice, an abomination, at which point the declarant moved closer to the window and saw five subjects in front of the stairs that

\* The office of the Fiscal General is the equivalent of the Attorney General in the United States, and has the principal responsibility for prosecuting crimes in El Salvador.

\*\* The declaration is in the stilted language of Salvadoran legal documents. In the translation, we have corrected certain obvious typographical errors. The declaration suggests that Lucia saw a total of eight armed men, rather than five. In our interview, Lucia was firm in recalling seeing only five men. Lucia does not recall having read the declaration after it was completed. Whether she misspoke or the stenographer misunderstood her, we do not know.



face the lateral part of the Monsenor Romero chapel of said university. These subjects shot at the Fathers' residence. The declarant was able to observe that said subjects were dressed in camouflaged uniforms with dark headgear although she could not see their faces. Said subjects were so tall and robust that their shoes could not be seen. The declarant could see all this by the light of the moon, which made the early morning like daytime, adding moreover that she could not see the emblem nor any other identifying feature of said persons. There were three other subjects to the left of those who were firing and whom the light of the moon did not illuminate, but yes, she could distinguish that these individuals wore uniforms that were dark but not black. The others that she had seen were darker than these. They also had headgear like the others that have already been described. During all this time, the firing continued as well as the opening and closing of the doors. Later, the five subjects directed themselves to the small corridor of the Fathers' residence. The declarant could not see anything more because the wall that was found in this place was covered up. The declarant heard more shooting than before and that Father "Nachito" had stopped speaking. The declarant then heard no further voices; there was a silence that lasted approximately several seconds, but she did hear pieces of furniture being dragged around as well as glass being violently strewn about. The declarant also heard something being dragged around that she could not see. Still at the same window, she then withdrew toward the mattress where she sat down and her husband scolded her and told her that because of her meddling a bullet could have hit her. She tried not to cry upon

imagining what could have happened, because the father was no longer speaking. Moments later she listened to the explosion of the bomb also within the UCA compound and seconds later a second explosion also within the UCA compound, resulting later in total silence. The declarant slept until approximately 5:30 in the morning when she woke up because of a nightmare....

\* \* \*

"When she refers in this declaration to camouflaged uniforms she refers to uniforms of various colors that she has seen soldiers in the street wearing. The headgear [cachuchas] that she refers to had a short visor. When Father Nachito yelled she could tell from the sound that he was located in the house of the Fathers. She is not able to say whether said screams were inside or outside the house."

The declaration was taken down by a stenographer. Lucia believes it was also tape recorded. She answered questions put to her by the judge, as well as questions put by the assistant fiscal. The Fiscal General did not ask her any questions. During the portion of her declaration in which she described the men she observed wearing camouflage uniforms, the Fiscal General stared at her with what she took to be an angry expression.

Lucia did not complete her declaration on Wednesday. That night, she, Jorge and Geraldina were put up in the French Embassy, where the declaration was continued the next day. When it was completed, the family departed for the airport. The French Ambassador accompanied them. Lucia and Jorge understood

that he was traveling to France, and had agreed to take them to Miami on a French Government aircraft. On the flight to Miami they met for the first time Richard Chidester, the legal advisor of the United States Embassy in San Salvador.

III. Miami, Florida: November 23 to December 3

Upon their arrival in Miami, the Cerna family was ushered through immigration by representatives of the State Department. They were taken to several hotels and ultimately to the Raddison Hotel, near the Miami airport, where they were housed by the U.S. Government until Sunday, December 3. During this period, they were under 24-hour protection by agents of the F.B.I., who occupied an adjoining room in the hotel.

As soon as they learned of the family's arrival in Miami, U.S. Jesuit officials informed the State Department that they were prepared to take responsibility for the Cerna family as soon as they were released to their care. When Jesuit officials inquired when the family would be released to them, State Department officials informed them that the F.B.I. needed a period of time to perform a risk assessment so that the Jesuits would know how much protection Lucia and her family required.

*Why weren't the Jesuits informed of the info from CIA*

The family remained under the exclusive charge and control of the State Department from Thursday, November 23, to

Thursday, November 30. During the first four days of this period, the family remained largely in the Raddison Hotel. As detailed below, each day from Monday, November 27, to Thursday, November 30, Lucia and Jorge were subjected to hours of intensive, incommunicado interrogation at an F.B.I. office in Miami by two agents of the F.B.I. and a Salvadoran military officer. On the third day of this interrogation, Lucia, who was frightened and intimidated by the harsh manner in which she was being questioned, concluded that the investigators did not believe her testimony. At this time, she changed her testimony and began telling the investigators that she had not seen anything on the night of the murders. She was then subjected to a series of polygraphs. The next day, Thursday, November 30, Jorge was polygraphed.

During the four days of their interrogation, Lucia and Jorge were not given any opportunity to consult with or obtain counsel from any priest, lawyer or other person they knew. During the entire eight-day period from November 23 to November 30, the only visitors who were allowed to see them were Spanish-speaking Jesuits living in the Miami area, with whom the family visited briefly on three occasions.

Late on the afternoon of Thursday, November 30, after Lucia had broken and changed her story, State Department officials informed the Jesuits that they could take the family into their care. When Jesuit officials asked the State

Department about the results of the F.B.I.'s lengthy risk assessment, they were told that the F.B.I. was in fact not in a position to perform a risk assessment for a person in Lucia's category as a witness.

On December 2, two Jesuits, Father Paul Tipton and Father Joe Berra, flew to Miami, to be with the family. That night, Father Berra, who had known Lucia in Salvador, slept on the floor of their hotel room. On Sunday, December 3, after the Jesuits had made arrangements for transporting the family to a secure and comfortable location in another state, the State Department formally turned the Cerna family over to the Jesuits.

*Embassy Legation Office*

The Interrogation

(i) Monday, November 28.

At about 8 a.m. on the morning of November 27, Chidester picked up Lucia, Jorge and Geraldina at the hotel and took them by car to an office in Miami. They were accompanied by a Spanish-speaking man named Sanchez, who apparently is a special agent of the F.B.I. Jorge and Lucia believe the place to which they were taken was an F.B.I. office.

At the office, they met Fred Rivero, a special agent of the F.B.I.\* At about 10 a.m., Jorge was left in a waiting

\* Jorge and Lucia recall being questioned briefly in the hotel by Sanchez and Rivero on the preceding Friday or Saturday.

room with Geraldina, and Lucia was taken to another room by Sanchez and Rivero.

Inside the room, the investigators asked Lucia to relate the details of the events beginning with the family's departure from their home in Soyapango on November 15. Lucia did so. She recalls that she talked for what seemed to her a very long period of time, relating the events of November 15 and 16. The two investigators listened and asked few questions.

At about 1 p.m., Lucia was brought back to the room where Jorge and Geraldina had been waiting. Hamburgers were brought in for the family's lunch, which they ate in the waiting room.

Jorge was then taken to a room for questioning, leaving Lucia alone with Geraldina in the waiting room. In the room, Jorge was asked by the two investigators to relate everything that had happened after leaving home in Soyapango on November 15. Jorge believes his interrogation was tape recorded.

Jorge had not previously disclosed to anyone that he too had looked out a window on the night of the murders and observed armed men. Like most Salvadorans who have witnessed crimes implicating the military or security forces, he was

reluctant to discuss what he saw and has a natural distrust of government investigators.\* The alien setting and disbelieving manner in which Sanchez and Rivero questioned Jorge only reinforced this feeling of distrust, and he decided not to tell them what he had seen. He did, however, tell them that he had heard gunfire and voices, and confirmed Lucia's testimony that she had seen five men in camouflage uniforms from the window of the room adjoining the bedroom.

The questioning of Jorge lasted several hours. During this time, Lucia and Geraldina were in the waiting room. Lucia was growing increasingly anxious about the time it was taking to question Jorge. She was also worried about four-year-old Geraldina, who was still wearing the shorts and sandals she had on when they left San Salvador. The weather in Miami in November is somewhat colder than El Salvador.

Jorge believes it was about 6 p.m. when his interrogation ended and the family was driven back to the hotel.

(ii) Tuesday, November 28.

On the morning of November 28, Chidester called sometime prior to 7 a.m. and told Lucia and Jorge that they had

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\* With the exception of the case of the four American churchwomen, which resulted in the conviction of five National Guard enlisted men, no significant human rights case involving the military or the security forces has ever been successfully prosecuted in El Salvador.

to be ready to leave the hotel at an even earlier hour than they had the day before. They ate breakfast and were put into a car for the trip to the F.B.I. office at about 7:30 a.m.

On the way, they stopped at another hotel to pick up a Salvadoran whom Chidester introduced to them as "Doctor." Chidester told Jorge and Lucia that "the Doctor" was a man they could speak to with confidence.

Later, Jorge overheard the man addressed as "colonel." He is in fact Lt. Col. Jorge Rivas Mejia, a Salvadoran army officer assigned to the Special Investigative Unit, or "S.I.U.," a Salvadoran investigatory agency established with U.S. assistance in 1985 to investigate significant human rights cases.\*

Upon arriving at the office, Jorge was the first to be questioned. Lucia was left in another room with Geraldina. Rivas joined Sanchez and Rivero in questioning Jorge. Jorge was

\* The Special Investigative Unit, known in Spanish as the Comision de Investigacion de Hechos Delictivos, is one of four components of the U.S. - funded Administration of Justice program attempting to reform the Salvadoran justice system. The SIU, staffed by members of El Salvador's security forces, has recieved \$5.5 million in U.S. funding since 1985. The unit was originally trained by instructors on loan from the FBI and continues to receive extensive U.S. training. Mandated to tackle the most sensitive human rights cases in which the military or prominent civilians are implicated, the SIU has instead focused on common crime and corruption cases. A Lawyers Committee study conducted in 1988 and early 1989 found the SIU's record "undistinguished" in solving the kinds of human rights cases it should be investigating. See Underwriting Injustice: AID and El Salvador's Judicial Reform Program, Lawyers Committee for Human Rights (April, 1989).



asked to relate again everything he had testified to on the preceding day. He was frequently interrupted with questions, many of which Jorge took to be insulting.

Sanchez told Jorge he could not believe that a real Latin man would have let his wife get out of bed and look out a window during a gun battle. Sanchez expressed disbelief and said to Jorge, "You have sideburns and a mustache, I can't believe you are that effeminate," or words to that effect. Jorge was angered and insulted by this, but insisted that Lucia had looked out the window and had seen what she said she had seen. At some point in the interrogation, Sanchez asked Jorge whether he had any relatives with the guerrillas, and whether he was political. Jorge answered "no" to both questions, and told them that he had two brothers who had served in the Salvadoran army.

Rivas questioned Jorge in a manner he found particularly rude and demeaning. Rivas' questions were put harshly and in a tone of disbelief. He persisted in addressing Jorge in the "vos" or familiar form of Spanish, a form which in Salvador is limited to use between close friends or parent and child, or when speaking harshly or contemptuously to another person.

Jorge was offended by many of the questions put to him. One of the investigators asked Jorge how long Lucia had known the Jesuits and how she earned money. When Jorge responded that she had worked for eight years for the Jesuits as a cleaning woman, Sanchez asked, "Are you sure that's what she was doing for them?"

Jorge's interrogation lasted a number of hours. Lucia, waiting in another room with Geraldina, again became worried and apprehensive. When a man passing by said in Spanish, "Yes, there is extradition," she was terrified that they were thinking of sending Jorge back to Salvador.

Jorge believes his interrogation ended at about 12:30 p.m. He was taken to the room where Lucia and Geraldina were waiting. Before Jorge left the room, Rivas said to him, "don't talk about this with your wife."

Lucia recalls that Jorge was white and shaking when he joined her. Jorge wanted to talk to Lucia about what he had experienced, but during the entire time they were together waiting for the next interrogation session there was an investigator sitting with them.

Between 1:00 p.m. and 3:00 p.m. Sanchez, Rivero and Rivas went out together for lunch. For these two hours, they left Lucia, Jorge and four-year old Geraldina sitting in the

F.B.I. office. Once again, hamburgers were brought in for the family to eat.

At 3:00 p.m., Lucia was taken in to be questioned. The investigators told her to relate once again everything that had happened after her family had fled Soyapango on November 15 for the relative safety of the U.C.A. The investigators occasionally interrupted her with questions.

At about 5:00 p.m., the investigators told her it was time to go. Chidester drove the family back to the hotel.

(iii) Wednesday, November 29.

The next morning, November 29, Chidester woke the family at 6:30 a.m. They were driven to the F.B.I. office at 8:00 a.m. Lucia was the first to be questioned.

She was told once again to describe everything that had happened after the family left Soyapango on November 15. This time the investigators peppered her with questions. At the point in her testimony where she describes calling Padre Nacho for assistance, the investigators, principally Rivas, began repeating questions that had already been asked.

After three days of interrogation, Lucia was frightened and confused. She did not understand why she was

constantly being asked to tell the investigators over and over again about events she had already described in the first two days of questioning. She was a long way from the only home she had ever known, in a foreign country being questioned incessantly by strange and intimidating men. She was worried about her four-year old daughter, who had spent seven days cooped up in hotel rooms and an F.B.I. office. She wanted the questioning to stop, but had no idea when it would end or what these men would ultimately do to her family. She was especially concerned about Jorge, and what they would do to him. She remembered hearing the man on Tuesday say the word "extradition," and she was terrified they would send him back to Salvador.

Lucia did not think the investigators believed what she was telling them. She recalls that at one point, when she was describing once again what she had seen from the window, one of the investigators asked her what priest had told her to say these things. The investigator stared at her, and she was very frightened. She replied that no one had told her to say these things. A short time later, she was asked again to describe what she had seen from the window. Lucia recalls that Rivas was staring hard at her, and that she was very frightened. She told us that "she was afraid they were going to make me tremble the way they made Jorge tremble." At this point she decided to tell them she had seen nothing.

The investigators wanted to know who had told her to say she saw soldiers. They pressed her. Rivas said, "Tell us the name of the priest.... If you tell us the name of the priest, we'll give you some whiskey to celebrate. Which priest said this?" Lucia was afraid and felt she had to say something. She did not want to say it was any of the priests she knew, for whom she felt great loyalty and affection. She decided to give them the name of someone who was not a priest and whom she did not know personally. She gave them the name of Maria Julia Hernandez, the director of Tutela Legal.

*} who she claims she met for the first time after the murders*

Lucia was tired, confused and frightened, and has difficulty remembering with precision Wednesday's interrogations. She remembers that she was asked to start again from the beginning, and that she told the investigators that she had heard things - shots and voices - but had seen nothing. She remembers the investigators asking whether any priest told her to say things, whether she was collaborating with the guerrillas, or with the priests. She remembers the name of a particular Jesuit being mentioned, and one of the investigators telling her he was a guerrilla. Lucia defended the Jesuits and insisted that they were good people and that she didn't know anything about politics.

The questioning continued until lunch time. Hamburgers were brought in and the family was allowed to eat them in the room where Jorge and Geraldina had been waiting.

After lunch, one of the investigators asked Lucia whether she was ready for "la maquina." He was apparently referring to a polygraph. Lucia saw the apparatus, with its wires, tubes and electrodes. It made her think of an electric chair, and she was terrified. She told the investigators that doctors had told her she suffered from hypertension. They told her not to worry.

Lucia recalls being wired to the machine and being asked a series of questions. She was asked whether she had seen anything from the window, to which she responded "no", and whether Maria Julia Hernandez had asked her to say things, to which she responded "yes." She recalls being asked the same series of questions three separate times.

At one point in the process, the polygraph operator left the room and spoke to the investigators. One of the investigators came in and appeared agitated. He told Lucia that he did not understand, that she had said she had seen nothing from the window, but that the machine indicated that she was not telling the truth. He kept asking her to tell him what she saw from the window. Lucia told him she saw nothing. She does not think he believed her. Rivero said, "The maquina says you went to the window."

Lucia recalls being on the polygraph all afternoon, with one break which she was able to spend with Jorge and Geraldina. At about 4:30 p.m., after her second session on the

polygraph, Lucia was unstrapped from the machine and taken back to the room where Jorge and Geraldina were waiting. They stayed in the room until 6:30 p.m., and were driven back to the hotel.

That night in bed, Jorge and Lucia talked softly so the F.B.I. agent in the next room could not hear them. She told him that she had changed her testimony and was now saying that she did not go to the window. They decided that Jorge would support her in saying this.

(iv) Thursday, November 30.

On November 30, the family was driven to the F.B.I. office at about 8 a.m. Only Jorge was questioned this day. Jorge was asked whether either he or Lucia had seen anything on the night of the murders. He told them that they had not.

The investigators pressed Jorge on this point. One of them told Jorge, "Tell us the truth - what you tell us will determine whether you stay here or go back to Salvador." Jorge told them that neither he nor Lucia had gotten out of bed on the night of the murders. He was asked whether any priest had told him to say things. He told the investigators he didn't have access to any priests. Jorge told us: "All morning they were asking the same. I couldn't stand it any more....The suffering of my daughter....I wanted them to leave us in peace."

After an initial round of interrogation in the morning, Jorge was put on the polygraph. He was asked a series of questions and continued to deny that he or Lucia had seen anything on the night of the murders. After lunch, Jorge was polygraphed again.

Lucia, waiting in another room with Geraldina, continued to be distraught. Her anxiety deepened as the hours passed while Jorge was being questioned. At one point, an investigator came into the room, and she told him she wanted to call a Spanish speaking Jesuit from the Miami area who had visited with the family briefly after their arrival in the U.S. The investigator told her that they did not have the priest's telephone number.

In the afternoon, after his second session on the polygraph, Jorge was reunited with Lucia and Geraldina in the room where they were waiting. One of the investigators accused them of telling lies just to be able to come to the United States. The investigator warned them, "Tell us the truth, or go back to Salvador where death is awaiting you", or words to that effect. At this time, or on an earlier occasion when a similar threat was made to her, Lucia remembers telling the investigators: "If I'm here, it's out of necessity, because I would much rather be back in Salvador. We could get by, I could



work, even if it meant selling pupusas\*."

\* \* \*

On the afternoon of Thursday, November 30, the State Department informed Jesuit officials that it was prepared to turn the Cerna family over to the care of the Jesuits. Paul Tipton immediately began making arrangements to take the family to a safe and comfortable location in another state. He arranged for Father Joe Berra, a Spanish speaking Jesuit who had known Lucia in Salvador, to fly to Miami and spend Saturday night with the family.

On Friday, December 1, the family was once again taken to the F.B.I. office in Miami. There they were introduced to another Salvadoran investigator, who took elaborate notes on Jorge's and Lucia's physical features and characteristics. He took hair samples, asked for the addresses of family members, and took their fingerprints. No one clearly explained why this was being done. This was the family's last encounter with investigators.

#### CONCLUSIONS

Based on our three days of interviews with Lucia Barrera de Cerna and Jorge Cerna, we found them both to be

\* "Pupusas are a popular Salvadoran food, often made and sold on the streets.

forthcoming and highly credible witnesses to the events they told us they observed in El Salvador and the treatment they received after arriving in the United States.

In our initial interview with Lucia, on December 3, she was in a highly emotional state, clearly traumatized by the days of interrogation she had undergone in the F.B.I. office. Before our interview of them, we anticipated that the family would be anxious and disoriented by the trauma of what they had experienced in El Salvador and the suddenness of their relocation to a new and alien country. For that reason, and because we were strangers to them, we asked Father Joe Berra, who knew Lucia during his residence in El Salvador, to sit with us during the interview on December 3. We also decided to delay the second interview for a week, to give the family an opportunity to rest and accustom themselves to their new surroundings.

Had the F.B.I. agents taken similar precautions and conducted their questioning with greater sensitivity to the emotional and physical needs of this frightened and vulnerable family, we are convinced that the results would have been different.

It is our firm conclusion that Lucia Barrera de Cerna's testimony of what she observed on the night of the murders is credible and trustworthy. Several factors support this conclusion. First, the declaration she gave to the

investigating judge in El Salvador and the statements she made to us are consistent with all facts known to us which relate to the murders.

Moreover, it was against Lucia's personal interest to have come forward to testify in the way that she has. It is well known in El Salvador that grave risks face witnesses, judges, lawyers and others involved with the investigation or prosecution of crimes in which the military or security forces are implicated. Many have been murdered, many more have been threatened with death. Lucia's decision to speak about what she had seen to the priests on the morning after the murders, and later to Tutela Legal, put her and her family at risk, and was made without any promises or commitments. She had nothing to gain by doing this, and a great deal to lose.

Finally, Lucia does not attempt to exaggerate what she reports seeing and hearing. For example, she does not purport to have seen facial characteristics, insignia, or other identifying features that could be used to identify individual suspects. Indeed, Lucia's testimony does not add a great deal to the substantial body of circumstantial evidence that already pointed toward military involvement in the murders.

The very same factors completely discredit the unsupported allegation made by certain representatives of the State Department that Lucia was induced to fabricate her

testimony. To believe this would be to believe that Lucia would have put herself and her family at grave risk by fabricating testimony that added very little to the large body of circumstantial evidence that was already known.

Lucia's brief recantation of her testimony on the third day of her interrogation by the F.B.I. was a completely understandable response to the manner in which she had been treated and the circumstances in which she found herself. She was gravely concerned about the safety and well being of her child and husband, and without any idea of what the future would hold for her family. Alone and uncounseled in a foreign country, subjected to days of intense interrogation at the hands of men she found rude, threatening and disbelieving, it is hardly surprising that she chose to stop cooperating with her interrogators:

State Department representatives have insisted that they had no intention of discrediting Lucia's testimony, and that their only intention was to obtain information about the crime. While this may be true, their efforts were greatly misguided, profoundly insensitive, and ultimately counterproductive.

The utility of Lucia's testimony in the Salvadoran criminal proceeding may well have been compromised by the manner in which Special Agents Rivero and Sanchez and Col. Rivas

conducted their interrogation. They treated an obviously frightened and traumatized woman more like a criminal suspect than a potential cooperating witness with useful information. Virtually any witness can be forced into contradictions and inconsistencies by non-stop, incommunicado interrogation. To have treated a witness in Lucia's circumstances this way made it inevitable that she would recant and stop cooperating. The authorities compounded this error by failing to maintain the confidentiality of the results of their examination, making it a virtual certainty that Lucia's temporary recantation will be available for impeachment purposes if this case ever goes to trial and she is a necessary witness. The President of El Salvador is now on the record as stating "that Cerna had admitted that she lied in her testimony." Washington Post, December 11, 1989, at A.24. This is clearly going to be a problem for the prosecution.

An even larger obstacle to a successful investigation has been created by the widely held perception that U.S. and Salvadoran investigators abused and tried to discredit the only witness who so far has stepped forward to testify. There are without doubt other witnesses to the events on the night of the murders, and some of them may have far more important evidence to offer than Lucia Barrera de Cerna. One of them is the husband of the slain cook, who apparently was on the scene and is now in hiding. A second is Jorge Cerna, who was already unwilling to testify. Knowledgeable individuals have told us

that other houses close to the scene of the crime were occupied by people who may well have eye witness or other evidence to offer. As we have said, witnesses to crimes such as this one in El Salvador face grave risks and are always reluctant to step forward. The record of Lucia's treatment will only make them more reluctant.

Finally, apart from the human trauma it caused, the most disturbing aspect of the handling of this witness by U.S. and Salvadoran authorities is what it may say about the manner in which the Jesuit murders are being investigated. While investigators were spending days in the United States interrogating a single witness about what she had seen during a period of less than twelve minutes, and ultimately compromising the value of her testimony, what was happening to the investigation in El Salvador? Was the lead presented by Lucia Barrera de Cerna's testimony being pursued? Were military personnel who were posted that night on the outskirts of the UCA campus being questioned about who may have passed through their lines and why they did not respond to the sound of gun fire at the Jesuit residence? Has the military unit that conducted a search of the residence on November 13 been identified, and its members questioned? Have fingerprints been lifted and bootprints photographed and analyzed? Are ballistics tests being performed? Has there been any effort to locate other witnesses?

The answers to these and similar questions are essential to determine whether the inexcusable mishandling of one witness' testimony was simply an unfortunate aberration or an early sign that the Jesuit murders will become yet another entry on the growing list of permanently unresolved human rights crimes in El Salvador.

December 15, 1989